

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2012-23

12 **MA. CAROL DINO PONCE**
13 **5621 Craner Avenue**
North Hollywood, CA 91601
14 **Applicant for Registered Nurse License**

STATEMENT OF ISSUES

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about March 9, 2011, the Board of Registered Nursing, Department of
22 Consumer Affairs received an application for a Registered Nurse License from Ma. Carol Dino
23 Ponce ("Respondent"). On or about February 4, 2011, Ma. Carol Dino Ponce certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board of Registered Nursing ("Board") denied the application on May 6, 2011.

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0

2
3
4

5

6

7
8

9
10
11
12
13
14

16

19

20

22

2.

26
27

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1444, provides:

3 "A conviction or act shall be considered to be substantially related to the qualifications,
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
6 safety, or welfare.

7 Such convictions or acts shall include but not be limited to the following:

8 (a) Assaultive or abusive conduct including, but not limited to, those violations listed in
9 subdivision (d) of Penal Code Section 11160.

10 (b) Failure to comply with any mandatory reporting requirements.

11 (c) Theft, dishonesty, fraud, or deceit.

12 (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
13 Penal Code."

14 **FIRST CAUSE FOR DENIAL**

15 **(Conviction of a Substantially Related Crime)**

16 10. Respondent's application for licensure is subject to denial pursuant to section
17 480(a)(1) of the Code, as defined by California Code of Regulations, title 16, section 1444, in that
18 Respondent was convicted of a crime substantially related to the qualifications, functions, and
19 duties of a licensed Registered Nurse, as follows:

20 11. On or about March 22, 2007, in the criminal matter entitled *People v. Ma. Carol*
21 *Ponce*, Los Angeles County Superior Court case no. 7CA05459, Respondent entered a plea of no
22 contest to a violation of California Penal Code section 242, battery, a misdemeanor. Respondent
23 was placed on probation for two years and was ordered to perform ten days of Caltrans labor, pay
24 a restitution fine, and stay away from the victim. The basis for the conviction is as follows:

25 12. On or about January 29, 2007, Respondent attacked a female whom she suspected
26 was having an intimate relationship with her boyfriend. The female sustained injury to her neck,
27 chest, head, and right wrist as a result of Respondent repeatedly punching and hitting her.

28 ///

1 SECOND CAUSE FOR DENIAL

2 (Performed an Act that Would Warrant Discipline of Licensee)

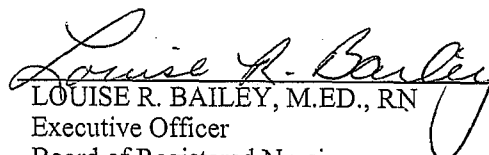
3 13. Respondent's application for licensure is subject to denial pursuant to sections
4 480(a)(3) and 2761(a) and (f) of the Code, as defined by California Code of Regulations, title 16,
5 section 1444, in that Respondent performed an act that if done by a licentiate of the business or
6 profession in question, would be grounds for suspension or revocation of the license.
7 Complainant refers to, and by this reference incorporates, the allegations set forth above in
8 paragraphs 11 and 12, as though set forth fully.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Denying the application of Ma. Carol Dino Ponce for a Applicant for Registered
13 Nurse License;
14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: 7-13-11

16 
17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

20 LA2011600882
21 60648088.doc